

To the City Planning Commission City of Norfolk, Virginia

October 23, 2014

From:

Matthew Simons, CFM

City Planner II

Subject: Special exception operate an entertainment alcoholic establishment with beverages at 1310 Colley Avenue – Peck and Pour - World Class

Wings and Beer

Reviewed: Leonard M. Newcomb III, CFM

Land Use Services Manager

Ward/Superward: 2/6

Approved:

Item Number:

George M. Homewood, AICP, CFM

Planning Director

- **Recommendation:** Staff recommends approval, subject to the attached conditions that are I. necessary to ensure increased compliance with Zoning Ordinance requirements.
- II. Applicant:

Grace Yoo

III. Description:

This request would allow operation of a new restaurant, Peck and Pour – World Class Wings and Beer, providing entertainment options and alcoholic beverages to its customers.

IV. **Analysis**

The site is located along the east side of Colley Avenue, just south of Baldwin Avenue within the Ghent neighborhood, and along a corridor mixed with commercial, residential and institutional uses.

Plan Analysis

The proposed special exception is consistent with plaNorfolk2030, which designates this site as Commercial.

Zoning Analysis

The site is located in C-2 (Corridor Commercial) and Pedestrian Commercial Overlay District - Colley Avenue (PCO-Colley) zoning districts, which permit the proposed use with a special exception.

| | Prior (Bella Pizzeria) | Proposed |
|--------------------------|------------------------------|--|
| | 11:00 a.m. until 11:00 p.m., | 10:00 a.m. until 2:00 a.m., |
| Hours of | Sunday through Thursday | seven days a week |
| Operation | 11:00 a.m. until midnight, | (outdoor seating to the rear shall |
| | Friday and Saturday | cease at 11 p.m., seven days a week) |
| Hours for | 11:00 a.m. until 11:00 p.m., | |
| Alcoholic | Sunday through Thursday | 11:00 a.m. until 2:00 a.m., |
| Beverages | 11:00 a.m. until midnight, | seven days a week |
| Develages | Friday and Saturday | |
| Hours for | None | 11:00 a.m. until 11:00 p.m., |
| Entertainment | | seven days a week |
| Entertainment Options | None | Karaoke |
| | 64 seats total | 56 seats indoors |
| Seating | | 38 seats outdoors |
| | | 102 total capacity |

Special exception history:

| City Council Approval | Applicant | Changes |
|-----------------------|---|---|
| 2004 | Bella Pizzeria | Eating and drinking establishment |
| Pending | Peck and Pour – World Class Wings and Beer | Change in owner/operatorAdditional hoursAddition of karaoke |

<u>Traffic Analysis</u>

Institute Transportation Engineers figures estimate that this restaurant will generate 39 fewer vehicle trips per day by decreasing total indoor seating at this location by 8 below currently approved levels.

Parking Analysis

- The parking requirements for restaurants within the Colley Avenue PCO are based upon indoor seating (1 space/4 seats).
- The applicant is proposing a new restaurant with 56 indoor seats, which requires 14 parking spaces within the Colley Avenue PCO.
 - The adjacent parking lot to the rear is developed with 20 spaces, sufficient to accommodate the proposed establishment.
 - Given the square footage of the three eateries along this block of Colley Avenue, the total bicycle parking requirement is for three bike spaces.
 - There are two existing bicycle racks within the public right-of-way, which are able to accommodate four bicycles.

V. Financial Impact

The property owner is current on all taxes.

VI. Environmental

- The site is located in a district surrounded by a mix of commercial, residential and institutional uses nearby.
- In order to adequately screen potential impacts to the adjacent residential to the north and east, the following additional conditions will be imposed:
 - Entertainment shall only be permitted indoors, and limited to karaoke only, and shall cease at 11:00 p.m., seven days a week.
 - O Use of the rear outdoor dining area shall cease at 11:00 p.m., seven days a week.
 - No amplification or speakers shall be permitted within the vicinity of the rear outdoor dining or parking area.
 - A six-foot solid wood fence shall be installed and maintained along the rear property line, immediately adjacent to the single-family home to the east.
 - Landscaping shall be installed and maintained between the parking lot and the Baldwin Avenue sidewalk edge, as well as along the rear property line, separating the parking lot from the immediately adjacent residence.
 - A trashcan enclosure shall be installed and maintained along the western property line, adjacent to the rear edge of the Colley Cantina restaurant, with a six-foot solid wood fence to surround, and with landscaping installed and maintained along the base of all three sides.
 - A landscape plan for the site shall be approved by the City's landscape architect, to ensure an evergreen species is planted of sufficient height and density to adequately buffer the site.

VII. Community Outreach/Notification

- Legal notice was posted on the property on September 16.
- Letters were sent to the Ghent Neighborhood League and Ghent Business Association on October 2.
- Letters were mailed to all property owners within 300 feet of the property on October 9.
- Legal notification was placed in *The Virginian-Pilot* on October 9 and 16.

VIII. Coordination/Outreach

This report has been coordinated with the Department of City Planning, the Department of Recreation, Parks and Open Space – Division of Urban Forestry, the Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of City Planning:

- Proposed conditions
- Location map
- Zoning map
- 1000' radii map of ABC establishments
- Application
- Site Plan
- Letters to the civic league and business association

Peck and Pour – World Class Wings and Beer – 1310 Colley Avenue Entertainment Establishment – Conditions

- (a) The hours of operation for the establishment shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week.
- (c) The hours for entertainment shall be limited to 11:00 a.m. until 11:00 p.m., seven days per week.
- (d) The seating for the establishment shall not exceed 56 seats indoors, 38 seats outdoors, and the total occupant capacity, including employees, shall not exceed 102 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (e) No portion of any outdoor dining area shall be enclosed and any covering must leave the dining space open on at least three sides.
- (f) A site plan shall be submitted to the Department of Recreation Parks and Open Space for review and approval. Landscaping and fences shown on the plan, including around the dumpster or trash enclosure, shall be installed and maintained in accordance with the approved to plan. The plan shall include the following elements:
 - (1) Plantings that form a continuous hedge along the property line and south of the sidewalk along Baldwin Avenue, limited to no more than 24 inches in height.
 - (2) In order to shield the adjacent residential property, a continuous hedge shall be installed along the eastern property line adjacent to the parking lot, and a six (6) foot tall wooden privacy fence shall be installed along the eastern property line extending from the northernmost point of the existing fence and continuing northwardly to a point approximately 10 feet from the northern property line.
 - (3) The street trees within the landscape verge between the sidewalk and curb along Baldwin Avenue shall be continually maintained and shall be replaced by the operator at the operator's expense in

the event any one of them dies or is destroyed.

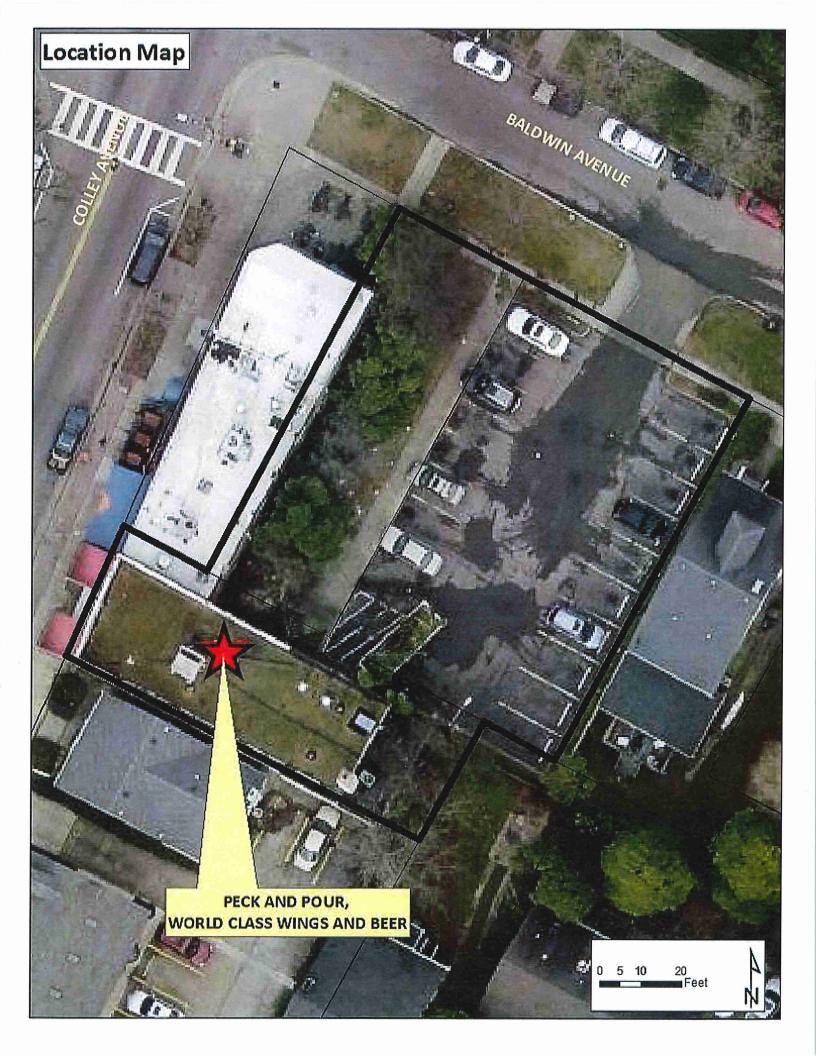
- (4) A dumpster or trash enclosure shall be installed where indicated on the site plan marked as "Exhibit C" and attached hereto and shall include a six (6) foot solid wood fence with a locking gate and a concrete walkway, as shown in "Exhibit C". Landscaping shall be installed around the enclosure as shown in "Exhibit C", with specific size, species and location of plantings as approved by the Department of Recreation, Parks and Open Space.
- (g) The individual parking identification signs, currently located on poles at the ends of each parking space, shall be removed.
- (h) No business license shall be issued for any business on the property until conditions (f) and (g), above, have been complied with in their entirety.
- (i) Only one sign, no bigger than six (6) square feet and no higher than 24 inches high, shall be permitted for the purpose of identifying and regulating patrons' use of the parking area. The sign must be located on the west side of the driveway apron within the verge between the parking area and the sidewalk along Baldwin Avenue.
- (j) No amplified sound shall be permitted anywhere outside the building after 11:00 p.m.
- (k) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (I) Entertainment shall only be provided indoors and shall be limited to karaoke. No other form of entertainment is permitted.
- (m) There shall be no dancing and no dance floor provided.

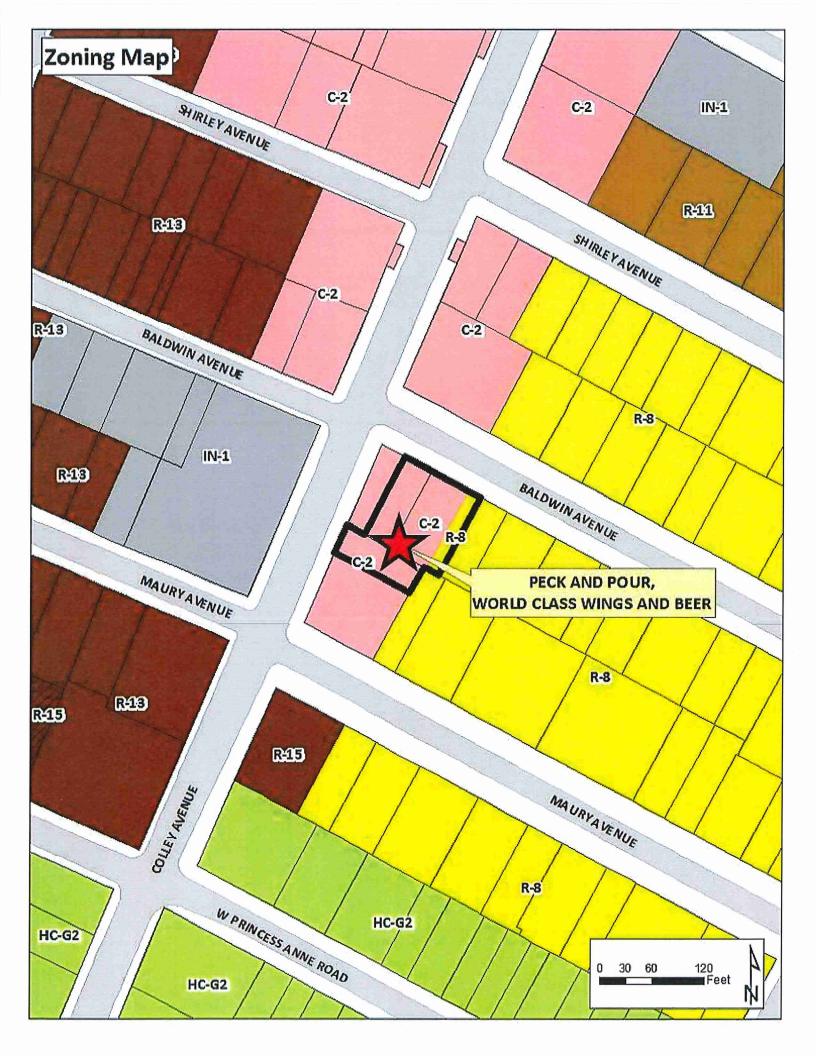
- (n) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B".
- (o) No door to the establishment which opens onto or faces a public right-ofway shall be propped open during any time that entertainment is being provided.
- (p) The establishment shall maintain a current, active business license at all times while in operation.
- (q) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (r) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (s) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (t) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (u) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (v) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception

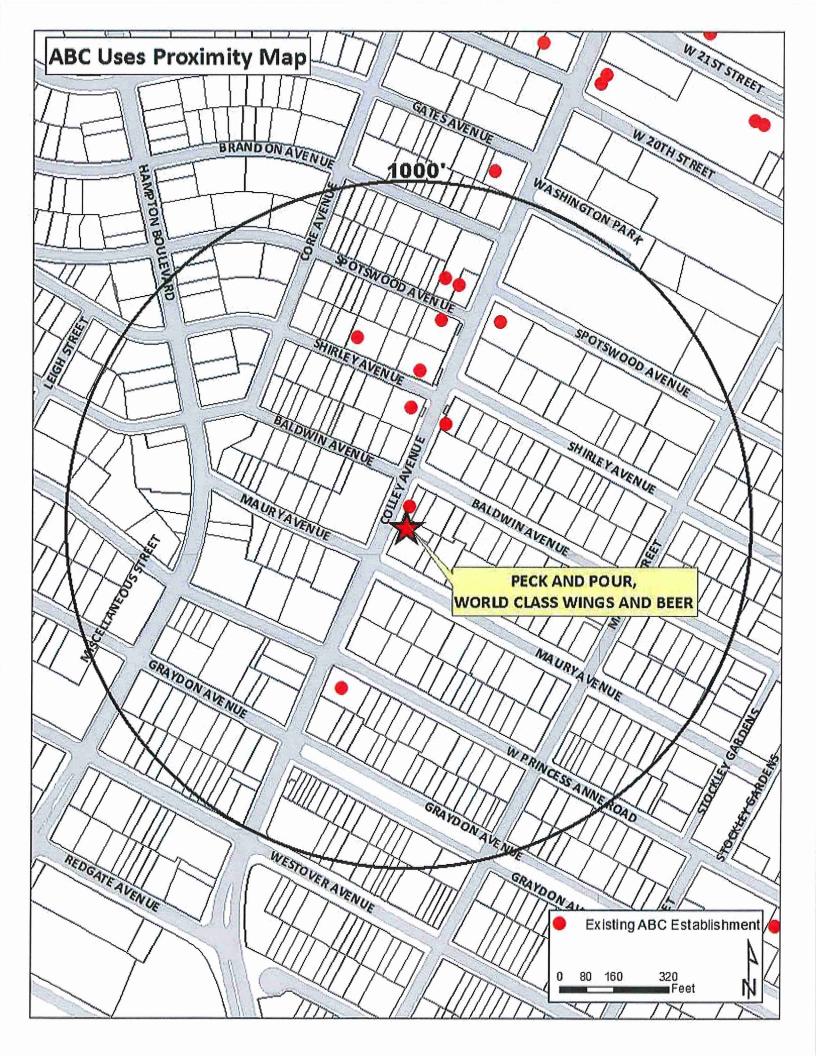
must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (w) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (x) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (y) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (z) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (aa) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (bb) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This Special Exception;
 - (2) Any ABC license(s);

- (3) Any occupancy permit(s);
- (4) Certifications of all persons who work on the premises as a security guard;
- (5) All fire code certifications, including alarm and sprinkler inspection records;
- (6) Any health department permits;
- (7) The emergency action plan required under the Fire Prevention Code;
- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.
- (cc) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 76 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshall, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (dd) The written security plan submitted to the City as part of the application for this Special Exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.









APPLICATION ADULT USE SPECIAL EXCEPTION ENTERTAINMENT ESTABLISHMENT (Please Print)

| (Please Print) |
|--|
| Date 9214. |
| DESCRIPTION OF PROPERTY |
| Address 1310 Colley Ave. Norfolk, Va 23517. |
| Existing Use of Property Restaurant |
| Proposed Use Restaurant |
| Current Building Square Footage2000 |
| Proposed Building Square Footage |
| Trade Name of Business (If applicable) PCCK and Pour, World Class Wings and Beer |
| APPLICANT/ PROPERTY OWNER |
| 1. Name of applicant (Last) (First) (First) (MI) |
| Mailing address of applicant (Street/P.O. Box) 2364 Nettleford Way |
| Mailing address of applicant (Street/P.O. Box) 2364 Nettleford Way (City) Virginia Beach (State) VA (Zip Code) 23453 |
| Daytime telephone number of applicant (75) 869 - 8316 ax number (75) 301-11437 |
| E-mail address of applicant 94001218 @ cox, net. |
| E-mail address of applicant <u>GV00 1218 @ C0X</u> , Net. 2. Name of property owner (Last) <u>Levin</u> (First) <u>Richard</u> (MI) L.L.C |
| Mailing address of property owner (Street/P.O. box) 2106 Llewellyn Ave |
| (City) Nortok (State) VA (Zip Code) 235/7 |
| Daytime telephone number of owner (75) _630 -2342 Fax number () |

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised July 2013) Application Entertainment Establishment Page 2

| CONTACT INFORMATION |
|---|
| Civic League contact Chent Business Association / GNL |
| Date(s) contacted |
| Ward/Super Ward information |
| REQUIRED ATTACHMENTS Required application fee, \$355.00 (if check, make payable to Norfolk City Treasurer). Application fee includes a non-refundable \$5 technology surcharge. Two 8½x14 (maximum size) copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing: Existing and proposed building structures |
| Driveways Parking Landscaping Property lines (see attached example) Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example). |
| Completed Exhibit A, Description of Operations (attached). |
| CERTIFICATION I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge: Print name: (Property Owner or Authorized Agent Signature) (Date) |
| Print name: Grace 400 Sign: 9, 2, 2014 (Applicant or Authorized Agent Signature) (Date) |



EXHIBIT "A" Description of Operations Entertainment Establishment (Please Print)

| (Please Print) |
|---|
| Date 922014 |
| Trade name of business Peck and Pour, World Class Wings and Beer. |
| Address of business 1310 Colley Ave Norfolk, Va 23517 |
| Name(s) of business owner(s)* Grace 100 dba PNP Norfolk, LCC |
| Name(s) of property owner(s)* L+ H Real Paperty, LLC - Richard Levin |
| Name(s) of business manager(s)/operator(s) |
| Daytime telephone number (7511) 869-8316 |
| *If business or property owner is a partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed. |
| 1. Proposed Hours of Operation: Mows malihies Per opplicant request |
| Facility Weekday From 10 (m) To 2 am Weekday From 1 (m) To 2 am 10/8/19 |
| Friday From 10 am To 2 am Friday From 11 am To 2 am |
| Saturday From 10amTo 2 am Saturday From 11 am To 2 am |
| Sunday From 10 am to 2 am Sunday From 11 am to 2 am |
| 2. Type of ABC license applied for (check all applicable boxes): On-Premises Off-Premises (second application required) **Entertainment shell cease at Ilpm - seven days On-Premises Off-Premises (second application required) |
| 3. Type of alcoholic beverage applied for: Permitted in the sear authors |
| 3. Type of alcoholic beverage applied for: Beer Wine Mixed Beverage We amplified sound permitted in the rear outdoor do ys a week. |
| 810 Union Street, Room 508 — Modifications made |
| Norfolk, Virginia 23510 Per discussion with applicant Telephone (757) 664-4752 Fax (757) 441-1569 on 10/16/14 M. S. |
| (Revised July 2013) |

Exhibit A – Page 2 Entertainment Establishment

| 4. | | ideo games, pool tables, game boards or other types of games be provided? (If more than 4, additional application required) |
|------|-----------------|---|
| | 4a | If yes, please describe type and number of each game to be provided: |
| | | |
| 5. | Will p | atrons ever be charged to enter the establishment? No |
| | 5a. | If yes, why: |
| | 5b. | Which days of the week will there be a cover charge (circle all applicable days): Monday Tuesday Wednesday Thursday Friday Saturday Sunday |
| 6. | Will th | e facility or a portion of the facility be available for private parties? |
| | 6a. | If yes, explain: Birthdays, Anniversaires, Shavers (Private only) |
| 7. | Will a □ Yes | third party/(promoter) be permitted to lease, let or use the establishment? No |
| | 7a. | If yes, explain: |
| | | |
| 8. \ | Will the | ere ever be a minimum age limit? |

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Exhibit A – Page 3 Entertainment Establishment

| 9. Additional comments/description/operational characteristics or prior experience |
|--|
| Korean + Japanes Restaurant |
| Subway franchise Business |
| |

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment

| • | | oor plar | e this worksheet based for each floor plan submit (n(s) must be prepared by a registered design pro Tables/seats Restroom facilities Bar Ingress and egress Standing room Disc Jockey/Band/Entertainment area) Outdoor seating Total maximum capacity (including employees) | |
|-----------|------------|-----------------------------|--|------------------------------|
| 1. | <u>To</u> | tal cap | <u>pacity</u> | |
| | a. | Numb | or per of seats (not including bar seats) per of bar seats ling room | 40 110 0 |
| | b. | Outdo Numb | oor per of seats | 38. |
| | c. | Numb | ber of employees | 8 |
| To (In | tal dod | Occup or/Outo | pancy door seats, standing room and employees) = | 102 |
| | Lis | tertainr t ANY median | ment type of entertainment proposed other than a 3 m por poetry reading. | nember live band, karaoke, |
| - | | | * Modifications made per discussion with | h applicant - 10/16/14 M. S. |
| 3. | | ll a dan | nce floor be provided? | |

If a disc jockey is proposed, a dance floor must be provided.

Square footage of establishment ______Square footage of dance floor ______

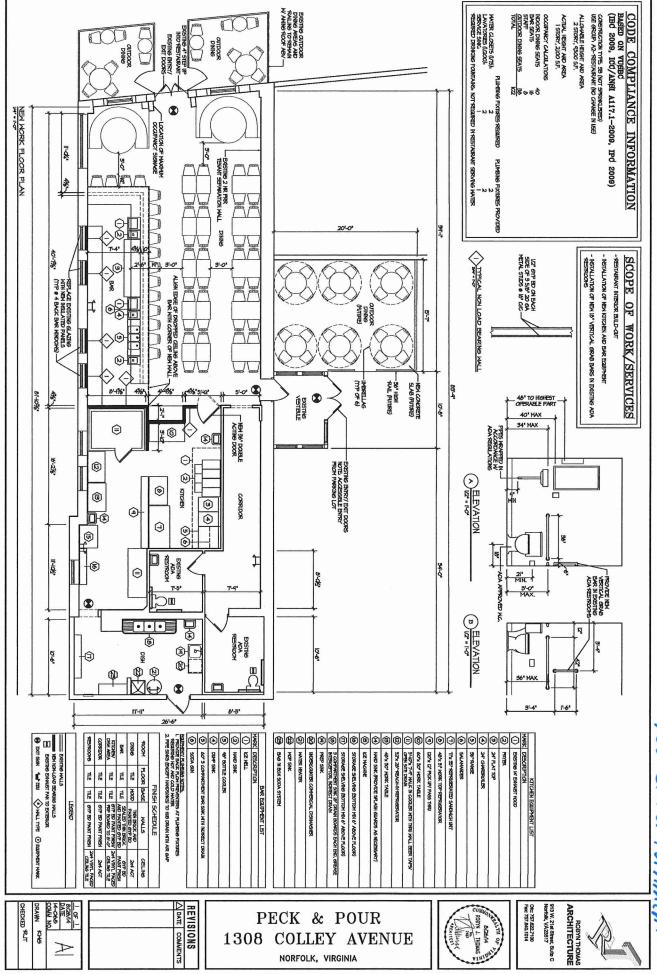
3a.

If yes,

• If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

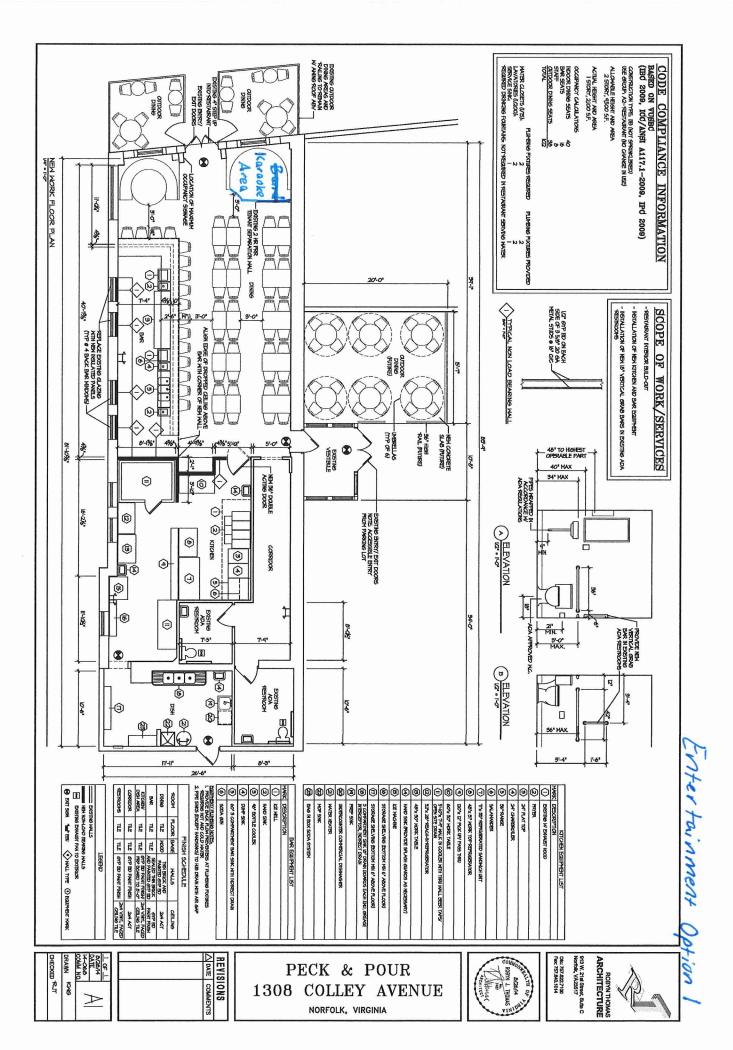
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised July 2013)



NORFOLK, VIRGINIA

No Entertainment



ROBYN THOMAS ARCHITECTURE

913 W. 21st Street, Suite C Norfolk, VA23517

Ofc: 757.822.7100 Fac: 757.840.1014

иовеогк, упрешь 1308 COFFEX

BECK % BOOK

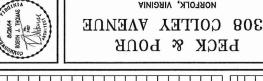
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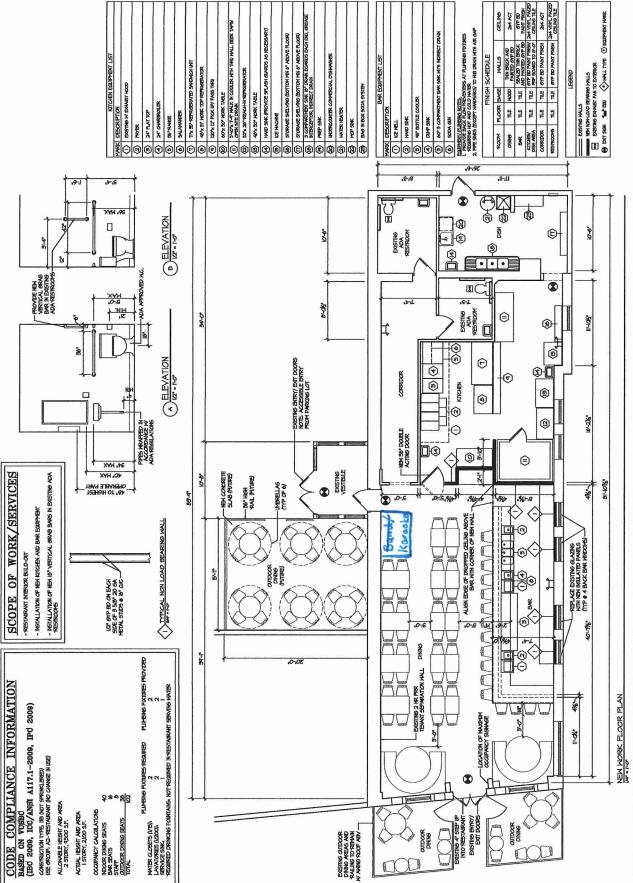
PATE DATE COMM NO.

VAENOE











October 2, 2014

Henry Conde President, Ghent Neighborhood League P.O. Box 11431 Norfolk, VA 23517

Dear Mr. Conde,

The Planning Department has received an application for a special exception to operate an entertainment establishment with alcoholic beverages at 1310 Colley Avenue.

This item is tentatively scheduled for the October 23, 2014 City Planning Commission public hearing.

Summary

This request would allow for the operation of a new restaurant, Peck and Pour – World Class Wings and Beer, offering alcohol and entertainment options to their patrons.

| | Prior (Bella Pizzeria) | Proposed | |
|--------------------------|------------------------------|--|-----|
| | 11:00 a.m. until 11:00 p.m., | 10:00 a.m. until 11:00 p.m ., | * |
| Hours of Operation | Sunday through Thursday | Sunday through Thursday | Z a |
| Hours of Operation | 11:00 a.m. until midnight, | 10:00 a.m. until midnight, | |
| | Friday and Saturday | Friday and Saturday | |
| | 11:00 a.m. until 11:00 p.m., | 11:00 a.m. until 11:00 p.m ., | * |
| Hours for Alcoholic | Sunday through Thursday | Sunday through Thursday | 20. |
| Beverages | 11:00 a.m. until midnight, | 11:00 a.m. until midnight, | |
| | Friday and Saturday | Friday and Saturday | |
| Hours for Entertainment | None | Same as above | |
| | | Five member live band | * |
| Fustantainna ant Outions | None | Karaoke | |
| Entertainment Options | | Comedian | |
| | | Poetry Reading | |

If you would like additional information on the request, you may contact the applicant, Grace Yoo, at (757) 869-8316 or you may contact me at matthew.simons@norfolk.gov, or (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,

Matthew Simons, CFM

Matt Sinn

City Planner II

*GNL president made aware of the requested modifications prior to the civic league meeting on 10/16/14 - M.S.

cc: Vanessa Seals, Senior Neighborhood Development Specialist

Vanessa.Seals@norfolk.gov or (757) 823-4357



October 2, 2014

lan Holder President, Ghent Business Association 999 Waterside Drive, Suite 1100 Norfolk, VA 23510

Dear Mr. Holder,

The Planning Department has received an application for a special exception to operate an entertainment establishment with alcoholic beverages at 1310 Colley Avenue.

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| Hours of Operation | Sunday through Thursday | Sunday through Thursday | 7 . ** |
| riours or operation | 11:00 a.m. until midnight, | 10:00 a.m. until midnight , | Za.m |
| | Friday and Saturday | Friday and Saturday | |
| | 11:00 a.m. until 11:00 p.m., | 11:00 a.m. until 11:00 p.m ., | * |
| Hours for Alcoholic | Sunday through Thursday | Sunday through Thursday | 2 a.M |
| Beverages | 11:00 a.m. until midnight, | 11:00 a.m. until midnight, | |
| * | Friday and Saturday | Friday and Saturday | |
| Hours for Entertainment | None | Same as above | ÷ |
| | | Five member live band | * |
| Entartainment Ontions | None | Karaoke | |
| Entertainment Options | | • Comedian | |
| | | Poetry Reading | |

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* GBA made aware of the requested modifications

Sincerely,

Matthew Simons, CFM

Matt Sims

City Planner II

cc: Vanessa Seals, Senior Neighborhood Development Specialist

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